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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Larry B. Pearson

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05/08/2006

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EXAMINER

BELIVEAU, SCOTT E

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,395

Applicant(s)

PEARSON ET AL.

Examiner

Scott Beliveau

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 26-29 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 26-29 and 31-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2005-12-27.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Miscellaneous

1. Please note that the examination art unit for this application has changed from 2614 to 2623.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 November 2005 has been entered.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 27 December 2005 was filed after the mailing date of the Final Rejection on 24 August 2005. The submission has met the minimum requirements of 37 CFR 1.97 and 37 CFR 1.198. Accordingly, the information disclosure statement is being considered by the examiner.

It is noted, however, that the large number of references, many of which on their face do not appear to be analogous or prior art with respect to the instant application, represents a significant burden for the examination of the instant application. Therefore, the references have only been considered to the extent possible given limited examination resources.

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Should applicant's be aware that one or more of these documents is particularly relevant to patentability, it is requested that applicant's provide a concise explanation of why the English language information is being submitted and how it is understood to be relevant.

Response to Arguments

4. Applicant's arguments with respect to claims 1-24, 26-29, and 31-42 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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7. Claims 1, 2, 4, 6-10, 20, 22, 23, 24, 26-28, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard et al. (US Pat No. 6,978,474) in view of Ellis et al. (US Pub No. 2005/0251827 A1).

In consideration of claim 1, Figures 4, 5, and 8 of Sheppard et al. illustrate a “video distribution system”. As illustrated in Figure 5, the system comprises a “receiver” [410] or network interface module within the residential gateway [200] that is “operable to receive a multiplexed signal comprising a plurality of encoded video information streams” (Col 8, Lines 24-34). The residential gateway comprises a “first decoder” [450] and separately illustrated “second decoder” [450] “communicatively coupled to the receiver” via the MPEG bus [424] and “operable to decode a first” and “second video information stream of the multiplexed signal” (Col 10, Lines 34-67) respectively, a “combiner” [418] “operable to output a composite signal for communication via a premise network . . . comprising a decoded first video information stream modulated to a first radio frequency band . . . and a second video information stream modulated to a second radio frequency band” (Col 6, Line 60 – Col 7, Line 3; Col 10, Lines 10-34; Col 11, Lines 13-31). A “remote control mechanism” [500] is “operable to communicate a request signal to the first decoder requesting that the first decoder decode a different video information stream of the multiplexed channel” (Col 9, Line 63 – Col 10, Line 34). The reference discloses that the particular televisions [199] are each associated with or assigned radio frequencies and corresponding remote controllers. The reference, however, is unclear with respect to the particular existence of multiple users within the household such that a given television [199] and therefore frequency band is associated with that particular user.

In an analogous art pertaining to the field of video distribution systems, the Ellis et al. reference discloses a “video distribution system” such as that illustrated in Figure 6 wherein a plurality of users within a household are associated with a plurality of televisions (Para. [0064]) and the users may configure settings associated with an interactive programming guide. The reference discloses that in conjunction with configuring the system a user associates particular televisions with particular users wherein a particular location is designated as the master location so as to modify settings (Figure 11; Para. [0089] – [0092]). For example, as illustrated, a particular television is associated with an adult or parent and another television is associated with a child and the parents have designated their own TV as the master controller. The system further comprises an “access engine to authenticate that a user of [a] remote control mechanism” [54] is associated with the master controller in order to change parental control settings (Figure 17; Para. [0095] – [0096]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Sheppard et al. in light of the teachings of Ellis et al. such that the aforementioned “combiner [is] operable to output a composite signal . . . modulated to a first radio frequency band associated with a first user” (ex. parent) and a “second radio frequency band associated with a second user” (ex. child) and to further incorporate an “access engine to authenticate that a user of the remote control mechanism is associated with the first radio frequency band” or the master control television in the parent’s room for the purpose of advantageously providing a means by which a family with multiple televisions can manage the operation of the television devices (Ellis et al.: Para. [0007] – [0008]).

Claim 2 is rejected wherein the Sheppard et al. reference discloses a “diplexer” [806] “operable to distinguish between upstream and downstream communication flow [and] . . . operable to output the multiplexed signal to the receiver” [200] (Figure 8) and a “modem” [350 or 410] “communicatively coupled to the diplexer and operable to output data traffic to the diplexer” (Col 7, Line 11-26; Col 8, Lines 24-34).

Claim 4 is rejected in light of the teachings of Sheppard et al. which discloses a “radio frequency communication module” [442 or 910 or 920] which is “operable to support at least a portion of a communication path interconnecting the remote control and the first decoder” (Col 11, Lines 52 – Col 12, Line 28).

Claim 6 is rejected wherein the “premise network comprises installed coaxial cable” (Sheppard et al.: Col 6, Lines 63-67).

Claim 7 is rejected wherein the system further comprises “a modem device” [350 or 410] that is “selected from the group consisting of . . . an xDSL modem” (Sheppard et al.: Col 7, Lines 11-26; Col 8, Lines 24-34).

Claim 8 is rejected wherein the system further comprises a “messaging engine” [48] (as implemented via the appropriate circuitry therewith) that is “operable to initiate communication of message information via the premise network, wherein the message information represents a message sent using a service selected from the group consisting of electronic mail” (Ellis et al.: Para. [0064] and [0123])

Claim 9 is rejected wherein the system further comprises a “metrics engine” [48] (as implemented via the appropriate circuitry therewith) “operable to track a metric associated with the first video information stream wherein the metric is selected from the group of a

video stream content rating . . . [or] an assigned programming channel for the first video information stream” (Ellis et al.: Figure 19; Para. [0068] and [0102]).

Claim 10 is rejected wherein the system further comprises a “graphical user interface (GUI) engine” [48] (as implemented via the appropriate circuitry therewith) that is “operable to initiate presentation of a GUI” or electronic program guide “on a television display communicatively coupled to the premise network” (Ellis et al.: Para. [0069] – [0070] and [0088]).

In consideration of claim 20, Figures 4, 5, and 8 of Sheppard et al. illustrate a “video distribution system”. As illustrated in Figure 5, the system comprises “plurality of remotely controllable channel output modules” [450], “each configured to output a signal modulated to an assigned frequency block . . . representing a decoded version of a selected MPEG video stream and a “remise network interface” [418] “operable to output a composite signal to a a premise network” [210] wherein the “composite signal comprises a modulated signal from at least one of the plurality of remote controllable channel output modules” (Col 6, Line 60 – Col 7, Line 3; Col 10, Lines 10-34 and 49-67; Col 11, Lines 13-31). The system further comprises a “remote control mechanism” [500] wherein the particular televisions [199] are each associated with or assigned radio frequencies and corresponding remote controllers. The reference, however, is unclear with respect to the particular existence of multiple users within the household such that a given television [199] and therefore frequency block is associated with that particular user.

In an analogous art pertaining to the field of video distribution systems, the Ellis et al. reference discloses a “video distribution system” such as that illustrated in Figure 6 wherein a

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plurality of users within a household are associated with a plurality of televisions (Para. [0064]) and the users may configure settings associated with televisions and an interactive programming guide. The reference discloses that in conjunction with configuring the system a user associates particular televisions with particular users wherein a particular location is designated as the master location from which to modify settings (Figure 11; Para. [0089] – [0092]). For example, as illustrated, a particular television is associated with an adult or parent and another television is associated with a child and the parents have designated their own TV as the master controller. The system further comprises an “access engine to authenticate that a user of [a] remote control mechanism” [54] is associated with the master controller in order allow for changes in parental control settings (Figure 17; Para. [0095] – [0096]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Sheppard et al. in light of the teachings of Ellis et al. such that the aforementioned “plurality of remote controllable channel output modules [are] each configured to output a signal modulated to an assigned frequency black associated with a particular user” (ex. parent or child) and to further incorporate an “access engine to authenticate that a user of the remote control mechanism is associated with the first radio frequency band” or the master control television in the parent’s room for the purpose of advantageously providing a means by which a family with multiple televisions can manage the operation of the television devices (Ellis et al.: Para. [0007] – [0008]).

Claim 22 is rejected wherein the “premise network comprises coaxial cable” (Sheppard et al.: Col 6, Lines 63-67).

In consideration of claim 23, as aforementioned, Sheppard et al. explicitly provides that the “assigned frequency block” can correspond to any television channel and provides channels 3, 4, 8, and 11 as examples (Col 10, Lines 23-34; Col 14, Lines 18-24). The examiner takes OFFICIAL NOTICE as to the particular usage of “assigned frequency blocks” comprising a “range of approximately 60 to 66 MHz”, a “range of approximately 66 to 72 MHz”, and a “range of approximately 76 to 82 MHz” as frequency ranges corresponding to television distribution channels. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references such that the “first of the remote controllable channel output modules” [450] utilizes an “assigned frequency block . . . comprising a range of approximately 60 to 66 MHz”, the “second of the remote controllable channel output modules” [450] utilizes an “assigned frequency block . . . comprising a range of approximately 66 to 72 MHz”, and the “third of the remote controllable channel output modules” [450] utilizes an “assigned frequency block . . . comprising a range of approximately 76 to 82 MHz” for the purpose of locally distributing television programming utilizing FCC assigned channels or “frequency blocks” in a manner which reduces the costs associated with in-home distribution of television programming by virtue of distributing programming on channels televisions are already designed to directly receive.

In consideration of claim 24, Sheppard et al. discloses that the “assigned frequency blocks” correspond to television channels 3, 4, 8, and 11 (Col 10, Lines 23-34; Col 14, Lines 18-24) which correspond to “portions of the Very High Frequency spectrum assigned to television channels” in accordance with FCC television frequency assignments.

Claim 26 is rejected wherein the system further comprises a “first remote controllable channel output module” [450] “configured to output information on to one assigned frequency block” (Sheppard et al.: Col 10, Lines 23-34 and 51-58).

Claim 27 is rejected wherein the system further comprises a “table mapping each of a plurality viewers to at least one assigned frequency block” (Ellis et al.: Figure 19). For example, Figure 19 illustrates that a viewer is watching an assigned frequency block corresponding to the television in the children’s room or is watching programming associated with an operator assigned frequency block (ex. Channel 6).

Claim 28 is rejected in light of the combined teachings wherein the system further comprises a “graphical user interface (GUI) engine operable to initiate presentation of a GUI on a television display communicatively coupled to the premise network . . . indicating video programs represented by the selected MPEG video stream output by each of the plurality of remote controllable channel output modules” (Ellis et al.: Figure 19; Para. [0101] – [0102]).

Claim 34 is rejected wherein the “access engine employs a password authentication scheme” (Ellis et al.: Para. [0096]).

Claim 36 is rejected wherein the “access engine employs a device based authentication scheme” such that the user utilizes a device such as remote controller [54] to enter the appropriate password (Ellis et al.: Para. [0095] – [0096]). The claim is not limiting with respect to the particular nature of the “device based authentication”.

8. Claims 3, 5, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard et al. (US Pat No. 6,978,474 B1), in view of Ellis et al. (US Pub No. 2005/0251827 A1), and in further view of Kolde et al. (US Pat No. 6,762,733 B2).

In consideration of claim 3, the combined references are unclear such that the “remote control mechanism is further operable to communicate using a wireless local area network communication protocol”. In an analogous art pertaining to video distribution, the Kolde et al. discloses a “remote control mechanism” [106] which is “operable to communicate using a wireless local area network protocol” (Col 6, Lines 22-33). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references so as to utilize the “remote control mechanism” of Kolde et al. for the purpose of advantageously providing a context-sensitive instructional user interface so as to familiarize the user with the operation of the interactive television system and further support a number of interactive options (Kolde et al.: Col 1, Lines 53-67; Col 5, Lines 33-40).

Claim 5 is rejected wherein the Sheppard et al. reference discloses that the system further comprises a “network interface” [360] that is “operable to provide at least a portion of a communication path interconnecting the receiver” [200] and a “wide area communication network” [110 or 100 or 310] (Figure 4) and a “communication module” [442] for interconnecting with the remote control units. The reference, however, is unclear with respect to the “communication module” [442] necessarily being a “transceiver”. The Kolde et al. reference discloses the particular usage of a “communication module having a local area wireless transceiver” [202/204] so as to support its remote control mechanism (Col 5, Lines 11-25). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combine teachings so as to further include a “communication module having a local area wireless transceiver” for the purpose

of advantageously providing a context-sensitive instructional user interface so as to familiarize the user with the operation of the interactive television system and further support a number of interactive options (Kolde et al.: Col 1, Lines 53-67; Col 5, Lines 33-40).

Claim 37 is rejected in light of the aforementioned combination wherein the “remote control mechanism is a wireless telephone” (Kolde et al.: Col 5, Lines 48-57).

Claim 38 is rejected in light of the aforementioned combination wherein the “remote control mechanism has Bluetooth functionality” (Kolde et al.: Col 6, Lines 22-33).

9. Claims 11, 12, 14-17, 29, 31-33, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard et al. (US Pat No. 6,978,474) in view of Ellis et al. (US Pub No. 2005/0251827 A1), and in further view of Reyes et al. (US Pub No. 2002/0078442 A1).

In consideration of claim 11, Figures 4, 5, and 8 of Sheppard et al. illustrate a “distribution method”. As illustrated in Figure 5, a residential gateway [200] “receives an incoming signal that comprises information representing a plurality of video streams” (Col 8, Lines 24-34). The residential gateway “generates a first modulated signal representing first video stream information modulated with a first frequency band” [450] and “generates a second modulated signal representing second video stream information modulated within a second frequency band” [450] and “outputs a combined signal” via a combiner [418] to a “premise network” [210] wherein the “combined signal comprises the first modulated signal and the second modulated signal” (Col 6, Line 60 – Col 7, Line 3; Col 10, Lines 10-34; Col 11, Lines 13-31). The reference discloses that the particular televisions [199] are each associated with or assigned radio frequencies and corresponding remote controllers. The

reference, however, is unclear with respect to the particular existence of multiple users within the household such that a given television [199] and therefore frequency band is associated with that particular user.

In an analogous art pertaining to the field of video distribution systems, the Ellis et al. reference discloses a “video distribution method” such as that illustrated in Figure 6 wherein a plurality of users within a household are associated with a plurality of televisions (Para. [0064]) and the users may configure settings associated with an interactive programming guide. The reference discloses that in conjunction with configuring the system a user associates particular televisions with particular users wherein a particular location is designated as the master location so as to modify settings (Figure 11; Para. [0089] – [0092]). For example, as illustrated, a particular television is associated with an adult or parent and another television is associated with a child and the parents have designated their own TV as the master controller. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Sheppard et al. in light of the teachings of Ellis et al. such that the aforementioned system operates so as to “generate a first modulated signal . . . within a first frequency band associated with a first user” (ex. parent) and to “generate a second modulated signal . . . within a second frequency band associated with a second user” (ex. child) for the purpose of advantageously providing a means by which a family with multiple televisions can manage the operation of the television devices (Ellis et al.: Para. [0007] – [0008]).

The combined references subsequently disclose the existence of a particular television associated with a particular remote control, user, and assigned frequency such that the system

provides a particularly assigned frequency to a television associated with a particular user.

While the Ellis et al. reference suggests the particular usage of parental control settings, the combined references are silent with respect to the usage of an “access engine” as claimed. In an analogous art pertaining to video distribution systems, the Reyes et al. reference discloses “authenticating the first user at an access engine to allow the first user to modify [a] first modulated signal” in so far as the reference teaches that a particular user can lock a remote controller such that other users cannot change the channel or displayed programming (Para. [0037] – [0038] and [0042]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined teachings such that the video distribution method further comprises “authenticating the first user at an access engine to allow the first user to modify the first modulated signal” for the purpose of providing a means to prevent accidental redirects of a viewing channel by children or other adults (Reyes et al.: Para. [0005]). For example, a particular user (ex. parent) in the multi-user household may choose to lock the operation of the particular remote controller associated with their particular television (ex. parent’s room) operating on its assigned frequency. Accordingly, only by authenticating that the parent or user associated with the first radio frequency band is actually operating the particular remote in their room can the television channel be changed or other system feature accessed.

In consideration of claim 12, Sheppard et al. discloses that the remote televisions [199] are set to a particular analog or NTSC television channel such as channel 3, 4, 8, or 11. Accordingly, the reference meets the particularly claimed limitation such that the “first

frequency band comprises approximately six megahertz block of the radio spectrum” corresponding to the FCC assigned channel frequency bands for UHF/VHF signals.

Claim 14 is rejected wherein the “incoming signal comprises a cable television signal” (Sheppard et al.: Col 11, Lines 21-24).

Claim 15 is rejected wherein the “premise network comprises a coaxial cable network installed in a residential home” (Sheppard et al.: Col 6, Lines 63-67).

Claim 16 is rejected wherein the “incoming signal comprises a multiplexed MPEG stream” (Sheppard et al.: Col 9, Lines 7-62).

Claim 17 is rejected wherein the method further comprises “tracking a metric associated with the first frequency band wherein the metric is selected from the group consisting of a video stream content rating for the first video stream information . . . [or] an assigned programming channel for the viewable content” (Ellis et al.: Figure 19; Para. [0068] and [0102]).

Claim 29 is rejected wherein the combined references discloses a “method of facilitating video distribution”. As aforementioned, the Sheppard et al. discloses a distribution method which “links . . . users with associated carrier frequencies” associated with the particular television [199] being viewed. The method comprises “receiving a command from a first user”, “modulating a decoded video stream identified by the command on the first carrier frequency” [450] and “outputting the modulated stream to a premise network” [210] such that the “first user can access the modulated stream by tuning a premise network connected television” [199] to the “first carrier frequency” (Col 6, Line 60 – Col 7, Line 3; Col 9, Lines 48-62; Col 10, Lines 10-34; Col 11, Lines 13-31). The reference, however, is unclear with

respect to the particular association of multiple users to multiple TVs as well as the particular usage of “authenticating” as claimed.

In an analogous art pertaining to the field of video distribution systems, the Ellis et al. reference discloses a “method of facilitating video distribution method” such as that illustrated in Figure 6 wherein a plurality of users within a household are associated with a plurality of televisions (Para. [0064]) and the users may configure settings associated with an interactive programming guide. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Sheppard et al. in light of the teachings of Ellis et al. so as to “link a plurality of users with associated carrier frequencies” (ex. parent + child) for the purpose of advantageously providing a means by which a family with multiple televisions can manage the operation of the television devices (Ellis et al.: Para. [0007] – [0008]).

The combined references subsequently disclose the existence of a particular television associated with a particular remote control, user, and assigned frequency such that the system provides a particularly assigned frequency to a television associated with a particular user. While the Ellis et al. reference suggests the particular usage of parental control settings, the combined references are silent with respect to the usage of an “access engine” as claimed. In an analogous art pertaining to video distribution systems, the Reyes et al. reference discloses “authenticating that the first user” is allowed to change channels on a particular remote controller (Para. [0037] – [0038] and [0042]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined teachings such that the video distribution method further comprises “authenticating

that the first user is associated with a first carrier frequency” for the purpose of providing a means to prevent accidental redirects of a viewing channel by children or other adults (Reyes et al.: Para. [0005]). For example, a particular user (ex. parent) in the multi-user household may choose to lock the operation of the particular remote controller associated with their particular television (ex. parent’s room) operating on its assigned or “first carrier frequency”. Accordingly, only by authenticating that the parent or user associated with the first radio frequency band is actually operating the particular remote in their room can the television channel be changed or other system feature accessed.

Claim 31 is rejected in light of the combined teaching of the multi-user / multi-television household such that the system “receives another command from a second user” (ex. houseguest) and “modulates a chosen decoded video stream identified by the other command on a second carrier frequency, wherein the second carrier frequency is associated with the second user; and outputting the modulated chosen stream to the premise network such that the second user can access the modulated chosen stream by tuning a given premise network connected television to the second carrier frequency” (Sheppard et al.: Col 6, Line 60 – Col 7, Line 3; Col 9, Lines 48-62; Col 10, Lines 10-34; Col 11, Lines 13-31).

Claim 32 is rejected wherein the method further comprises “tracking a viewing metric of the first user” (Ellis et al.: Figure 19).

Claim 33 is rejected wherein the method further comprises “disabling access to a certain video stream for at least one of the plurality of users” (Ellis et al.: Para. [0095] – Para. [0105]) in association with parental control features.

Claim 39 is rejected wherein it would have been obvious in light of the aforementioned combined teachings such that the method would further involve “authenticating that the second user is associated with the second carrier frequency” for the purpose of providing a means to prevent accidental redirects of a viewing channel by children or other adults (Reyes et al.: Para. [0005]). For example, a particular user (ex. house guest) in the multi-user household may choose to lock the operation of the particular remote controller associated with their particular television (ex. guest room) operating on its assigned or “second carrier frequency”. Accordingly, only by authenticating that the guest or user associated with the second radio frequency band is actually operating the particular remote in their room can the television channel be changed.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard et al. (US Pat No. 6,978,474), in view of Ellis et al. (US Pub No. 2005/0251827 A1), and in further view of Eames et al. (US Pat No. 6,493,875).

In consideration of claim 21, the Sheppard et al. reference is silent with respect to the “premise network” necessarily comprising a “wireless local area network”. The Ellis et al. reference suggests the particular usage of a “wireless local area network” so as to interconnect the equipment (Para. [0072]). In an analogous art pertaining to the video distribution, the Eames et al. reference discloses the particular usage of a “wireless local area network” in association with a wireless gateway [200] similar to that disclosed by Sheppard et al. (Figure 4; Col 6, Lines 22-39) wherein different channels are modulated onto different wireless channels. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references so as to

employ a “wireless local area network” for the purpose of advantageously provide a means to distribute high-speed digital information within households that do not have compatible coaxial cable wiring (Eames et al.: Col 1, Lines 21-33).

11. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard et al. (US Pat No. 6,978,474 B1), in view of Ellis et al. (US Pub No. 2005/0251827 A1), and in further view of Milovanovic et al. (US Pub No. 2003/0028872 A1).

In consideration of claim 35, the combined references are silent with respect to the particular usage of the “access engine employing a biometric authentication scheme”. In an analogous art pertaining to video distribution, the Milovanovic et al. reference discloses the particular usage of an “access engine” [14] that “employs a biometric authentication scheme” (Para. [0021] – [0025]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references such that the “access engine employs a biometric authentication scheme” for the purpose of providing a non-obtrusive manner to identify a user without requiring an active identification on behalf of the user (Milovanovic et al.: Para. [0005] and [0009]).

12. Claims 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard et al. (US Pat No. 6,978,474 B1), in view of Ellis et al. (US Pub No. 2005/0251827 A1), and in further view of Horiwitz et al. (US Pat No. 6,785,901 B1).

In consideration of claim 40, as aforementioned the Sheppard et al. reference discloses a “method” wherein a local video distribution system comprises a plurality of televisions [199] and “receives a channel request from a first user” so as to view a particular program on a particular television [199] (Col 10, Lines 10-34). The reference, however, is unclear with

respect to the particular association of multiple users to multiple TVs as well as the particular usage of “authenticating” and “blocking” as claimed.

In an analogous art pertaining to the field of video distribution systems, as previously set forth, the Ellis et al. reference discloses a “method” wherein a plurality of users within a household are associated with a plurality of televisions (Para. [0064]) such that the system may be configured so as to “link a plurality of users” with particular televisions and to further establish parental control features for each of those televisions (Ellis et al.: Figures 11, 13-18). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Sheppard et al. in light of the teachings of Ellis et al. so as to “link a plurality of users with associated carrier frequencies” (ex. parent + child) for the purpose of advantageously providing a means by which a family with multiple televisions can manage the operation of the television devices (Ellis et al.: Para. [0007] – [0008]). The combination, however, is silent with respect to the steps of “authenticating” and “comparing” such that the user of the combined system is required to log into their television in order to particularly access content associated therewith.

In an analogous art pertaining to the field of video distribution systems, the Horiwitz et al. reference discloses a parental control system which “authenticates that the first user” is operable to utilize a particular television and “compares the channel request to a block list” associated with blocked channels for that television and profile (Col 9, Lines 13-27; Col 10, Line 33 – Col 11, Line 63). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined teaches so as to “authenticate that the first user is associated with a first carrier frequency”

and “compare the channel request to a block list associated with the first carrier frequency” for the purpose of advantageously providing a method by which to enact flexible parental control through the usage of profile based blocking (Horiwitz et al.: Col 2, Lines 32-53). For example, taken in combination, a child could not simply sneak into a parent’s room so as to watch programming on a television associated with a different frequency to which they are not entitled to watch. Rather, the system authenticates that the appropriate viewer is watching the appropriate programming on the appropriate television.

Claim 41 is rejected in light of the combined teachings wherein the method involves “modulating a decoded video stream identified by the channel request on the first carrier frequency” [450] and “outputting the modulated stream to a premise network” [210] such that the “first user can access the modulated stream by tuning a premise network connected television to the first carrier frequency in response to determining that the channel request is not on the block list” (Sheppard et al.: Col 6, Line 60 – Col 7, Line 3; Col 9, Lines 48-62; Col 10, Lines 10-34; Col 11, Lines 13-31). For example, if the channel is not on the block list for a particular user after having logged into the system then the system operates to display the requested programming normally.

Claim 42 is rejected wherein the method further comprises “notifying the first user that a channel associated with the channel request will not be displayed” by informing the user a password or other appropriate identifier must be displayed in order to access the requested channel (Horiwitz et al.: Col 11, Lines 40-63).

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard et al. (US Pat No. 6,978,474), in view of Ellis et al. (US Pub No. 2005/0251827 A1), in view of

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Reyes et al. (US Pub No. 2002/0078442 A1), and in further view of Ansari et al. (US Pub No. 2004/0006772 A1).

In consideration of claim 13, the Sheppard et al. reference suggests the particular incorporation of other types “incoming signals” (Col 11, Lines 21-24) but does not explicitly disclose that the signals comprises a “direct broadcast satellite signal”. In an analogous art pertaining to video distribution, the Anasari et al. reference discloses a centralized video and data unit (Figure 1) wherein the “incoming signal comprises a direct broadcast satellite signal” (Para. [0016]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the centralized distribution gateway of Sheppard et al. such that the “incoming signal comprises a direct broadcast satellite signal” for the purpose of advantageously integrating the two networks in a seamless manner so as to reduce the overall cost of providing video and data services to multiple televisions and computers (Ansari et al.: Para. [0008] and [0014]).

14. Claims 11-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (US Pat No. 6,622,307 B1) in view of Reyes et al. (US Pub No. 2002/0078442 A1).

In consideration of claim 11, the Ho reference discloses a “distribution method” for distributing digital television programming to a plurality of televisions within a household. The method comprises “receiving an incoming signal that comprises information representing a plurality of video streams” [135/120], “generating a first” and “second modulated signal representing” a respective “first” and “second video stream information modulated within” a respective “first” and “second frequency band” [106] and “associated with” a respective “first” and “second user” (ex. parent and child or logical “first” and

“second user” associated with a single user watching/using multiple televisions) requesting a particular program/channel (Col 10, Line 58 – Col 11, Line 41), and “outputting a combined signal” [110] to a “premise network” [134] (Col 8, Lines 8-36; Col 9, Lines 12-46). The reference, however, is silent with respect to the particular usage of “authentication” as claimed.

In an analogous art pertaining to video distribution systems, the Reyes et al. reference discloses “authenticating the first user at an access engine to allow the first user to modify [a] first modulated signal” in so far as the reference teaches that a particular user can lock a remote controller such that other users cannot change the channel or displayed programming (Para. [0037] – [0038] and [0042]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined teachings such that the video distribution method further comprises “authenticating the first user at an access engine to allow the first user to modify the first modulated signal” for the purpose of providing a means to prevent accidental redirects of a viewing channel by children or other adults (Reyes et al.: Para. [0005]). For example, a particular user (ex. parent) in the multi-user household may choose to lock the operation of the particular remote controller associated with their particular television (ex. parent’s television) operating on its assigned frequency. Accordingly, only by authenticating that the parent or user associated with the first radio frequency band is actually operating the particular remote in their room can the television channel be changed or other system feature accessed.

Claim 12 is rejected wherein the “first frequency band” implicitly “comprises an approximately 6 megahertz block of the radio spectrum” corresponding to the FCC assigned channel frequency bands for UHF/VHF signals (Col 9, Lines 12-23; Col 11, Lines 8-23).

Claim 13 is rejected wherein the “incoming signal comprises a direct broadcast satellite signal” [120] (Col 7, Lines 11-20).

Claim 14 is rejected wherein the “incoming signal comprises a cable television signal” [135] (Col 8, Lines 13-20).

Claim 15 is rejected wherein the “premise network” [134] comprises a “coaxial cable network installed in a residential home” (Col 8, Lines 18-36).

In consideration of claim 18, the system “splits the incoming signal into at least two intermediate signals, each of the at least two intermediate signals comprising first video stream information and second video stream information” [108] and the associated IRDs [106] subsequently “parse one of the intermediate signals to find the first video stream information”, and “parse a second of the intermediate signals to find the second video stream information” (Col 2, Lines 22-30; Col 7, Line 39 – Col 8, Lines 13 and 51-65).

15. Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (US Pat No. 6,622,307 B1), in view of Reyes et al. (US Pub No. 2002/0078442 A1), and in further view of Dillon et al. (US Pat No. 6,430,233 B1).

In consideration of claim 16, while the Ho reference discloses the particular usage of a multiplexed packetized data stream from a DTH satellite (Col 1, Lines 50-56), the reference does not explicitly disclose that the “incoming signal comprises a multiplexed MPEG stream”. The Dillon et al. reference provides evidence that it is commonly known to those

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skilled in the art that DTH systems to utilize “MEPG” encoding (Dillion et al.: Col 2, Lines 5-16). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made such so as to employ “MPEG” encoding in connection with the “incoming signal” of the DTH system of Ho for the inherent advantages associated with the particular usage of “MPEG” encoding including but not limited to the particular usage of an industry standard so as to ensure interoperability between devices.

In consideration of claim 19, the Ho reference discloses “receiving a multiplexed . . . stream” and “decoding” the “first” and “second video stream information” respectfully (Col 1, Lines 48-46; Col 5, Lines 51 – Col 3, Line 8). The reference, however, does not explicitly state the information stream necessarily utilizes “MPEG” encoding. The Dillon et al. reference provides evidence that it is commonly known to those skilled in the art that DTH systems to utilize “MEPG” encoding (Dillon et al.: Col 2, Lines 5-16). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to employ “MPEG” encoding in connection with the DTH system of Ho for the inherent advantages associated with the particular usage of “MPEG” encoding including but not limited to the particular usage of an industry standard so as to ensure interoperability between devices.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SEB
May 1, 2006

Scott Beliveau
Examiner
Art Unit 2623